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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DUANIEAL MENIFEE,

16 Defendants.
17

No. CR 05-00401 DLJ

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
AUGUST 25, 2005 TO SEPTEMBER 23,
2005 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

18
19 With the agreement of the parties, and with the consent of the defendants, the Court
20 enters this order scheduling an appearance date of September 23, 2005 at 9:00 a.m. before the
21 Honorable D. Lowell Jensen for a status conference, and documenting the exclusion of time
22 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 25, 2005 to September 23, 2005.
23 The parties agree, and the Court finds and holds, as follows:

- 24 1. The defendant is out of custody.
25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon
26 defense counsel's need to obtain and review discovery to effectively prepare to defend this case.
27 3. Counsel for the defense believes that the exclusion of time is in his client's best
28 interest.

FILED

SEP 21 2005

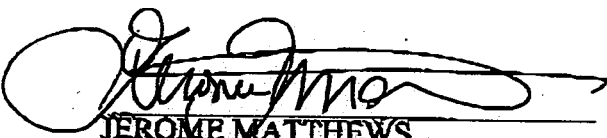
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 4. Given these circumstances, the Court finds that the ends of justice served by excluding
2 the period from August 25, 2005 to September 23, 2005, outweigh the best interest of the public
3 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

4 5. Accordingly, and with the consent of the defendant, the Court (1) sets an appearance
5 date before the Honorable D. Lowell Jensen of September 25, 2005 at 9:00 a.m. for a status
6 conference; and (2) orders that the period from August 25, 2005 to September 23, 2005 be
7 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8
9 STIPULATED:

10
11 DATED: 8/30/05


JEROME MATTHEWS
Attorney for the Defendant

12
13
14 DATED: 8/30/05


KIRSTIN M. AULT
Assistant United States Attorney

15
16 IT IS SO ORDERED.

17
18 DATED: 9-21-05


D. LOWELL JENSEN
United States District Judge